

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

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4 DANTE B. MAGDALUYO, JR.,

5 Plaintiff,

6 v.

7 MGM GRAND HOTEL, LLC,

8 Defendant.

Case No. 2:14-cv-01806-APG-GWF

**ORDER GRANTING IN PART AND
DENYING IN PART DEFENDANT'S
EMERGENCY MOTION TO STRIKE**

(ECF No. 135)

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10 Defendant MGM Grand Hotel, LLC moves to strike plaintiff Dante Magdaluyo's
11 opposition to MGM's summary judgment motion because the opposition exceeds the page limit
12 in the Local Rules and Magdaluyo did not obtain permission to file an oversized brief. MGM
13 requests that Magdaluyo not be given additional time to file a response that complies with the
14 page limit. Finally, MGM requests I grant it fees and costs incurred in preparing the motion to
15 strike.

16 Pursuant to Local Rule 7-3(a), a response to a summary judgment motion is "limited to 30
17 pages, excluding exhibits." The response also must be double-spaced. LR IA 10-1(a)(1). If a
18 party seeks to exceed this page limit, he must file a motion before the response brief is due. LR 7-
19 3(c). Motions to exceed the page limit are disfavored and permission to exceed the page limit
20 "will not be routinely granted." *Id.*

21 I grant MGM's motion to strike the response because Magdaluyo's 72-page, single-spaced
22 response vastly exceeds the 30-page, double-spaced page limit and Magdaluyo did not obtain
23 prior permission to exceed the page limit. *See* ECF No. 132. Given the strong preference for
24 deciding cases on the merits, I deny MGM's request that Magdaluyo not be given an opportunity
25 to file a response that complies with the Local Rules. But I caution Magdaluyo that even though
26 he is a pro se litigant, he must comply with the rules, including the form of papers in Local Rules
27 IA 10-1 and IA 10-3, and the page limit in Local Rule 7-3. *See King v. Atiyeh*, 814 F.2d 565, 567
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1 (9th Cir. 1987) (“Pro se litigants must follow the same rules of procedure that govern other
2 litigants.”).

3 I deny MGM’s request for fees and costs in preparing the motion to strike. However,
4 further noncompliance with the Local Rules may result in sanctions. *See* LR 11-8.

5 IT IS THEREFORE ORDERED that defendant MGM Grand Hotel, LLC’s emergency
6 motion to strike (**ECF No. 135**) is **GRANTED in part and DENIED in part**.

7 IT IS FURTHER ORDERED that the clerk of court shall **STRIKE** plaintiff Dante
8 Magdaluyo’s summary judgment response brief (**ECF No. 132**).

9 IT IS FURTHER ORDERED that plaintiff Dante Magdaluyo shall have until July 29,
10 2016 to file a response brief that complies with the Local Rules.

11 DATED this 8th day of July, 2016.



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13 ANDREW P. GORDON
14 UNITED STATES DISTRICT JUDGE
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